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IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

RONALD & PATRICIA SHAMON,)	
)	
Plaintiff,)	
-v-)	DOCKET NO.
)	04-11674-WGY
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

THE ORAL DEPOSITION OF RONALD SHAMON, held pursuant to Notice, and the applicable provisions of the Federal Rules of Civil Procedure, before Diana Strzeminski, a Court Reporter and Notary Public, within and for the Commonwealth of Massachusetts, at the offices of the United States Attorney, 1 Courthouse Way, Suite 9200, Boston, Massachusetts, on Wednesday, March 16, 2005, commencing at 12:52 p.m.

COPY

APEX Reporting
(617) 426-3077

1 that time.

2 And so we called up for an appointment for Dr.
3 Duke who I saw on the 15th of January at 1:30 at West
4 Roxbury.

5 She operated on me. Incisioned -- made an
6 incision on the wound, drained it, and repacked me, and made
7 an appointment for 1/29 to see Dr. Fitzpatrick.

8 Q When was the next time that you--

9 A On 1/29 I saw Dr. Fitzpatrick.

10 Q All right.

11 Q He said you're healing great. He took me off
12 antibiotics. I hugged him. We hugged each other. Said
13 thank you for saving my life and I appreciate all you've
14 done. He said, "Your welcome." Hugged me back.

15 Then, a couple of days later, I noticed a yellow
16 discharge coming out of my rectum.

17 Q Did you go to a hospital for that?

18 A No, I called the Visiting Nurse Association, and
19 she had a supervisor come down. The supervisor couldn't see
20 anything.

21 By the 5th it was getting so bad--

22 Q By the 5th of what?

23 A The 5th of February. And I'm sitting down and you
24 can feel it draining down. I could feel it draining down.

25 Q What do you mean feel it?

1 A Feel the pus, whatever it was, coming down from my
2 insides into my rectum. I had to get up and wipe like
3 crazy. Probably ten, twelve times a day in that period.
4 Right?

5 I called Dr. Fitzpatrick up, and I told him what
6 was happening. This was on the 5th. He said, "See me on
7 the 12th, on the day that he's -- that he has that symposium
8 or whatever they have -- they are on duty at that time.

9 So, I went in on the 12th to see him, and I'm
10 still draining the pus and the infection. They know there
11 is an infection there.

12 So, he wasn't there. He was called out for --
13 previous to me coming there, he was called out for two
14 emergencies -- two surgeries.

15 I saw his assistant, Dr. Navarro, another nice
16 guy. His assistant noticed, on inspection of my rectum, on
17 the sphincter, on one edge of a 6 o'clock position of the
18 sphincter, there was a pus pocket.

19 He squeezed the pus pocket. He got up on the
20 table and squeezed it. And I said, "What is pus coming out
21 there? Why is there pus coming out"? He said, "Well let me
22 get another referral from -- another doctor in here, the
23 resident doctor, Dr. Gordon. G-o-r-d-o-n. He was
24 approximately close to 80 if he's not already. Right? He
25 came walking in.

1 He stuck his finger so far up my rear end I
2 almost jumped off the bed. Right? Then blood started
3 coming out. And, I said, "Jesus!" I was -- and I said--

4 Q This was all on the 12th?

5 A Yeah. If there's pus coming out, and I'm
6 bleeding, shouldn't I be on antibiotics or is another
7 operation due -- necessary?

8 "No, you are not going through any more
9 operations. You just -- no more operations. No more
10 antibiotics, no more operations."

11 He says, "Two weeks, one to two weeks, I'm going
12 to give you Fleet Enemas and that will take care of you."

13 Q And so you were discharged at that point?

14 A Then he says -- he repacked me and I was sore as
15 hell. So, on the way being wheeled back in a wheelchair to
16 the car, we saw Dr. Fitzpatrick walking up the hallway. And
17 we said, "Dr. Fitzpatrick."

18 He came over and apologized for not being there.
19 Everybody was called out for surgery, which is
20 understandable.

21 So, I said, "Dr. Fitzpatrick, they put me on
22 Fleet Enemas. "No," he said. I said, "We come in and they
23 put me on Fleet Enemas. I have drainage coming out, and
24 bleeding."

25 He said, "Did they cut? They use a needle? Did

1 they cut? Did they use a needle"?

2 I'm looking at this guy. What the hell, you
3 Know? Just like that. Like strange, you know? I said,
4 "No, they just put me on Fleet Enemas."

5 "Well," he said, "If anything happens, I'm here.
6 Good luck." So, I left.

7 What kept on bothering me is why would he come out
8 and say, "Did they cut? Did they use a needle"? Like
9 strange -- it was very strange action on his part.

10 Q When was the next time that you went to see a
11 medical professional?

12 A Okay. That was on the -- that was on the 12th.
13 On the 15th, I called him up. I said, "These Fleet Enemas
14 aren't doing anything. I'm still bleeding. Pus is still
15 coming on, and I'm still bleeding."

16 That was the 15th of February.

17 Q You said you called someone. Who did you call?

18 A Dr. Fitzpatrick. Three days later.

19 Q What did he say to you?

20 A He says, "You come in and see me on the 19th,"
21 which is four days later. So, I went in. He was there.

22 I asked him, "Why is my sphincter not closing,
23 and why am I getting pus coming out, and should I be on
24 antibiotics or something?"

25 "I don't know why your sphincter is not closing."

1 He says, "Do sphincter exercises."

2 I said, "What the hell is sphincter exercises?"

3 He said, "Squeeze your muscles like a women does.

4 Squeeze down and you contract to contractions." So, I

5 finally realized -- my wife explained what that was.

6 So, I went back home and started that.

7 Q Before you move on, so, you went in to see

8 Fitzpatrick on the 19th?

9 A The 19th, yeah.

10 Q Did he do any examination of you?

11 A Yeah, he looked at my sphincter.

12 Q All right.

13 A He looked at my rear end. He didn't do a thing,
14 you know, a digital. But, he said, "I don't know why it's
15 not closing."

16 So, he says, "Go home and do the sphincter
17 exercises."

18 I told my daughter, my wife, this. And that was
19 on the 19th when I saw him.

20 On the 24th, I called him back and said, "This is
21 not working. I want a second opinion."

22 He said, "Work with me another couple of weeks and
23 I'm sure it will abate."

24 I said, "Doctor, I'm afraid to work with you
25 another day. I'm afraid. What's going on here? Why, am I

1 doing these exercises? My daughter and my wife both tell me
2 to get another proctologist, and I want it, if you have a
3 proctologist."

4 He said, "On Wednesdays we have a proctologist.
5 Dr. Cima, who comes on Wednesday's clinic." Clinics is the
6 word is I'm looking for, clinics. He was on a Tuesday
7 clinic. Dr. Cima is on a Wednesday clinic.

8 So, he said, "I'll fill him in about your case.
9 Make the appointment and see him."

10 This was on the 24th. Now, I went on the 27th, on
11 Wednesday to see Dr. Cima.

12 You know what they did? They looked at me. The
13 whole team from Brigham and Women's. They shook their heads
14 when they examined me in the back and everything. And, they
15 did a CAT scan immediately, and kept me in the hospital.
16 "You're staying here."

17 Q Where did this examination take place?

18 A The examination took place on 27th.

19 Q Where did it take place?

20 A West Roxbury.

21 I told Dr. Fitzpatrick on the phone, "If you knew
22 of a proctologist, and you had me for almost a month now,
23 not knowing why my sphincter wasn't closing, why didn't you
24 refer me to him to begin with?"

25 Q You had this conversation with Fitzpatrick?

1 A Oh, yeah.

2 Q You had this conversation with Dr. Fitzpatrick on
3 the--

4 A Oh, yeah.

5 Q Hold on one second.

6 You had this conversation with Dr. Fitzpatrick on
7 the 27th?

8 A Oh, no. On the 24th when I wanted to get a second
9 opinion.

10 So, he said, "I'll fill him in on your case." He
11 wanted me to wait another couple of weeks. You know, I
12 would have been dead, I'm sure.

13 So, I seen Dr. Cima, the best people, believe me.
14 That team was so super. He kept me there.

15 And, one doctor was shaking his head, "Boy." Like
16 this, and I knew. They didn't say anything, but I knew that
17 they knew something I didn't know.

18 Q What did -- what, if anything, did Dr. Cima say to
19 you?

20 A He took the CAT scan and he says, "I've got to
21 tell you, you have a problem. These infections, you have
22 three ulcers up ahead of you, atop. They're so bad, that
23 they are draining infection down on your sphincter.

24 "There's one next to your sphincter muscle," he
25 didn't tell me how large it was. He says, "...another one

1 besides your sphincter muscle.

2 He says, "We're going to put you on for an
3 operation tomorrow. You're admitted right now."

4 I didn't -- nothing, no notice, my wife didn't --
5 no notice. It was immediate.

6 The next morning, they went in with a 22-inch
7 Maillinckrodt French Drain and a Seton, a plastic Seton that
8 they attached to my fistula inside one of the -- inside of
9 that big ulcer. It turned out to be a 3-centimeter ulcer
10 that was next to my sphincter muscle.

11 My wounds were re-infected again. Now I had just
12 seen Dr. Cima just a few days before that. Now, my wounds
13 were re-infected, again.

14 Not to mention what's been happening up ahead --
15 three more ulcers -- and an ulcer that's right next to my
16 sphincter muscle.

17 So, it was a pretty good operation. I stayed
18 in the hospital another five or six days.

19 On that Friday--

20 Q --Before we move on: so, that operation was on
21 the 28th of February?

22 A 28th of February.

23 Q Right.

24 A I was in there the 27th.

25 Q And what happened next?

1 would have to have a colostomy. This would put the fear in
2 me, big time, another horror show that they kept on checking
3 for that for four or five days to see if there was any feces
4 coming through the front, the Maillinckrodt Drain.

5 Q You mean, while you were still in the hospital?

6 A Still in the hospital, yes.

7 Q What happened after you were discharged?

8 A After I was discharged, I still had the two drains
9 in me. And these drains, one is sutured into -- was -- I
10 thought a huge, 3-centimeter abscess next to -- attached
11 almost to my sphincter muscle. It was right against my
12 sphincter muscle.

13 I found out later that they were keeping it from
14 me. They told me that if they get feces through that drain,
15 I would have to have a colostomy.

16 The other if, is if that large, 3-centimeter
17 abscess did not diminish to the point -- to real small -- go
18 away -- I would have to have either a colostomy or a --
19 that's it. Either one had to happen. Both had to happen.

20 So, they were just ready, after several more weeks
21 of going every week to see Dr. Cima in his clinic.

22 Q Okay, so after March 2nd of 2003, you would see
23 Dr. Cima once a week?

24 A Once a week, and then it wound up to being once
25 every two weeks. And so, thank God, that--

1 Q Hold on before we move on.

2 How long were you seeing Dr. Cima once a week
3 after you were discharged on March 2nd of 2003?

4 A How was I seeing him?

5 Q How long were you seeing Dr. Cima once a week
6 after you were discharged on March--

7 A Some--

8 Q Hold on, let me just say. Let me get the question
9 out.

10 How long were you seeing Dr. Cima once a week
11 after you were discharged on March 2nd, 2003? Is that
12 right, or 2002?

13 A 2002. Yeah, 2002.

14 To April 16th, I believe. In that area.

15 Q Okay. At each visit, what would happen?

16 A Well he had another fellow with him from the
17 Brigham and Women's, Dr. Goldberg. Excellent. The best
18 person I think I ever met in my life. He had -- the reason
19 why I say that is, they kept on checking and there was no
20 decreasing the size of the ulcer. And then he said, "We're
21 going to have to possibly soon do a colostomy."

22 So, I did some reading up about the colostomy.
23 You don't think that didn't do a job on my head? That they
24 had to cut a home in your stomach and attach it to the cords
25 and put a bag on you, right, for nine or ten months. It

1 to once every two weeks, but once for a two-week period.

2 I can't really be exact with all these dates, but
3 I think I am doing pretty good with some of them, you know.

4 Q And then on May 16th, there is this procedure
5 which you just described.

6 A Yes.

7 Q After that procedure, when was the next time that
8 you saw a medical professional with regards to your
9 abscesses?

10 A The 29th sounds right. May 29th. Dr. Lin was
11 supposed to be the one -- supposed to be there because she -
12 - I think she assisted or -- I'm not quite sure who actually
13 did that operation.

14 Q Can you spell Dr. Lin's--

15 A L-i-n. Dr. Lin. I don't know her first name. I
16 can't remember it. Another nice doctor.

17 Q And, what did you see Dr. Lin for?

18 A Well, she was supposed to -- she was the one who
19 either did the operation or assisted in the operation. The
20 appointment was set up for her scheduled to be there on the
21 29th. But, something came up. She couldn't make it.

22 Dr. Cima was there, and Dr. Cima said, "It came
23 out great. You did a great job."

24 I said, "You did the great job." They took the
25 Seton valve out -- the drain out. It's very important that

1 it heals from the inside out. They are going to look at it
2 very carefully, and that's when he -- I -- on 16th of May
3 that was very important at that time. And he looked at it,
4 and he says, "Great news. It's healing from the inside
5 out."

6 And he said, "There's mucosa still coming out.
7 It will come out for a short while than it will go away."

8 As time went on, I kept on calling him. I said,
9 "It is still draining from my rectum. It's like
10 incontinence, right"?

11 He said, "That will go away."

12 I called him three or four different times and he
13 says, "Come in and see me." And this was in September.
14 October? October.

15 Q What was the date was that?

16 A I don't know the date, but I believe either -- in
17 that period, you know, October sometime. It's in the -- I'm
18 sorry but I can't get that one in my head. October,
19 sometime.

20 And I was worried because it had been draining
21 for all that period of time. And he looked at me. And he
22 said, "Oh, boy,"

23 And I said, "What do you mean by that"?

24 And, you know, he said, "You have a defective
25 sphincter."

1 My wife was with me at the time. That was at the
2 West Roxbury Hospital.

3 Q And, what did he say about the--

4 A I said, "How was my defective sphincter? You saw
5 me on the 16th and the muscle tone, the sphincter tone was
6 good. How was it defective?"

7 He said, "It had to be from the infections leaking
8 down." And then he tried to say there's a track coming
9 down. Your sphincter is like this." I think -- I'm not
10 sure normally -- I think he said, "On the 12 o'clock
11 position, it's not closing."

12 I said, "What do I do with this? What can you do
13 for me"?

14 Well he said, "We can't operate and you're going
15 to have that for the rest of your life. That's the way it's
16 going to be."

17 I said, "What do you do for it"?

18 He says, "Use either a Fleet Enema after every
19 bowel movement or put cotton balls up there."

20 I said, "What the hell are you trying to tell me,
21 put cotton balls the rest of my life up there, or a Fleet
22 Enemas"?

23 "That's the only way. You'll have to do it.
24 You'll have to live with it. It's better than--"

25 No, he didn't say that yet. He said, "That is the

1 only way."

2 And then he said, "Drink only one to three glasses
3 of water each day because -- and take -- it's a powder I
4 take every day. It's mixed with orange juice so it will dry
5 up your -- the moisture in your body so you won't secrete
6 mucous as often, as much. There's a lot of names for it.
7 I'll think of it in a minute.

8 And, he says, "Cotton balls every day and/or Fleet
9 enemas. That powder every day. One to three glasses of
10 water to minimize mucous."

11 Citrucel. Citrucel is the name of the product.
12 Something like a Metamucil; Metamucil or Citrucel.

13 And he said--

14 And I said, "What about my -- I sit down, and I
15 can't say sitting."

16 He said, "Well, you have tremendous scar tissue
17 from the several operations you have. You are going to have
18 to live with that. Sit on a donut. Walk around a lot. But
19 they're all better than having a colostomy."

20 Q And he said that there was no way to rectify
21 either--

22 A No. No.

23 Q He said there was no way to rectify the either the
24 defective sphincter or the scar tissue?

25 A No way. You live with it the rest of your life.

1 A About a week ago. I couldn't call him because I
2 didn't know what the date schedule was for this. I don't
3 want to promise him I'm coming in, and have to be called in
4 for something. So, I will call him.

5 Q Have you seen anyone else?

6 A No.

7 Q Now, I just want you to -- can you tell me about
8 the physical injuries, symptoms--

9 A Yeah, I can tell you about--

10 Q Let me first finish my question.

11 What physical injuries, symptoms, illnesses, etc.
12 have you experienced since the sigmoidoscopy procedure on
13 December 7th, 2001?

14 A Numerous emotional and physical injuries.

15 Q Why don't you start with the physical?

16 A I just want to add something. Due to the neglect
17 of the defendant, these are all caused from that time.

18 The physical part of it is that I get -- simple
19 procedures -- in and out of the house. I have a very low
20 stamina as far as being able to pick up something heavy; to
21 be able to do minor chores in and out of the house.

22 And. also, when I do pick up something that's not
23 quite heavy, I get a discharge from my rectum, the same as
24 when I sit down after a bowel movement. I get a discharge,
25 a fecal discharge out that I have to go clean off. I'm

1 afraid to even move sometime because I'm always wiping back
2 the mucous every day.

3 I don't go out of the house hardly. I can't sit
4 down for any period of time without having to get up and
5 walk around because of the immense scar tissue left by all
6 these operations. And that's what Dr. Cima came out and
7 said, "You're going to be uncomfortable because of the major
8 scar tissue you have from all these operations. And you
9 will have to live with it for the rest of your life. It's
10 permanent. Get used to it."

11 Q Anything else?

12 A I have to, when I -- what I fear most of all--

13 Q That would be emotional, right?

14 A Yeah, well, it's physical, too.

15 Q All right.

16 A Is getting up and taking a bowel movement anytime.

17 Q Okay.

18 A Because when I take a bowel movement, it takes me
19 almost ten minutes, with soft tissue to wipe so I won't hit
20 the scars. And I can't wipe in a normal wad, I have to pat
21 myself for almost ten minutes. Then I have go in with a
22 hand shower, a hand-held shower in my bathroom, and wipe up,
23 spray it on there, and there are sometimes that I go too
24 much and I get bleeding from down below when I try to rub --
25 wipe too much. I can't wipe. I have to protrude into my